

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

REAL CHANGE, a Washington non-profit  
corporation; SHARE, a Washington  
non-profit corporation; WHEEL, an  
unincorporated association;  
NICKELSVILLE, an unincorporated  
association; TIM HARRIS, an  
individual; JARVIS CAPUCION, an  
individual; and TRACEY DEGARMO, an  
individual;

Plaintiffs,

v.

THE CITY OF SEATTLE and SEATTLE  
PARKS AND RECREATION, a Washington  
Municipal corporation;  
CHRISTOPHER WILLIAMS, in his  
individual and official capacity;  
and, JEFF HODGES, in his individual  
and official capacity;

Defendants.

No. 2:12-cv-681

[PROPOSED]  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER

Having considered Plaintiff's

Emergency Motion for Temporary Restraining Order and Preliminary Injunction and any  
responses thereto, the Court hereby FINDS, ORDERS AND DECREES:

1. Plaintiffs are likely to suffer irreparable harm to their constitutional rights should they  
be prevented from continuously and peacefully assembling at Westlake Park from April

24-25;

2. Plaintiffs are likely to suffer irreparable harm to their constitutional rights should they be prevented from using tents as a form of political express during their assembly at Westlake;
3. Plaintiffs are likely to succeed on the merits of their claims because the Seattle Municipal Code (SMC) 18.12 is a per se unconstitutional prior restraint under the Washington Constitution;
4. Plaintiffs are likely to succeed on the merits of their claims because SMC 18.12 is overbroad for failure to include standards to guide Defendants' discretion;
5. Plaintiffs are likely to succeed on the merits of their claims because SMC 18.12 is overbroad for failure to require Defendants to issue written decisions on permit applications;
6. Plaintiffs are likely to succeed on the merits of their claims because SMC 18.12 is overbroad for failure to provide a process for review and appeal;
7. Plaintiffs are likely to succeed on the merits of their claims because there are indications that Defendants have exercised viewpoint-based restrictions when denying Plaintiffs' application for a free speech- and peaceful assembly-related a park permit;
8. The balance of equities and the public interest tip in Plaintiffs favor because the rights at stake are fundamental, the event will not significantly burden Defendants, and the public has an interest in the vindication of constitutional rights,
9. Defendants are hereby ordered to refrain from interfering with the event for which Plaintiffs' requested a permit, specifically: twenty-four hour presence in Westlake Park beginning at noon on April 24, 2012 and running through noon on April 25, 2012 and

1 the use of tents, provided Plaintiffs comply with all applicable laws, rules, and  
2 regulations; and

3 10. Defendants are hereby enjoined from denying any permit for free speech and assembly  
4 activities in Seattle public parks until a full preliminary injunction hearing.  
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7 Dated this \_\_\_ day of April, 2012.  
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UNITED STATES DISTRICT JUDGE  
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12 Presented by:

13 By: s/Braden Pence

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